

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6995

BILL NUMBER: SB 366

DATE PREPARED: Dec 27, 2001

BILL AMENDED:

SUBJECT: Animal Fighting Contests.

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes possession of animal fighting paraphernalia a Class B misdemeanor and makes it a Class D felony for a person to possess animal fighting paraphernalia and harbor an animal bearing scars or wounds consistent with participation in an animal fighting contest. The bill also allows a court to order a person to refrain from owning, harboring, or training an animal as a condition of probation.

Effective Date: July 1, 2002.

Explanation of State Expenditures: The bill would require a defendant to post bond to a court for an amount sufficient to provide for an impounded animal's care. If the bond is not posted or expires and is not renewed, the animal shelter may determine the disposition of the animal, subject to court order. This would have indeterminate, minimal cost for courts because they already receive bond postings and it is assumed that the defendant would be responsible for notifying the shelter that bond was posted. Once convicted, an offender would be responsible for the animal care costs, under the bill.

Also, there are no data available to indicate how many offenders may be convicted of the new crimes defined under the bill. These include possession of animal paraphernalia, a Class B misdemeanor, and promoting an animal fighting contest, a Class D felony. The bill also would include among the probation conditions a court may impose, refraining from owning, harboring, or training an animal. If offenders violate conditions of probation, the court may revoke probation and the offender may be sentenced to a term in prison or jail depending on the underlying offense.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with

no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000, and the maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: Costs for county jails may increase, because a Class B misdemeanor is punishable by up to 180 days in jail and defendants are detained in county jails prior to their felony court hearings. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.